IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Smt. Kiran Devi. Versus Chandra Prakash.

S.B. Criminal Misc. Petition No. 823/2006
against the order dated 3-5-2006 passed
by the Judicial Magistrate No.1, Sujangarh,
district Churu, in Criminal Case No.88/2002.

...

Date of Order: July 12, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Sanjay Mathur, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has assailed the order dated 3-5-2006 passed by the Judicial Magistrate No.1, Sujangarh, district Churu (for short, "the trial Court" hereinafter) in Criminal Case No. 88/2002, whereby the trial Court, considering the fact that the petitioner has been granted maintenance @ Rs.800/- per month under Section 24 of the Hindu Marriage Act, 1955, awarded a sum of Rs.400/- per month as interim maintenance under Section 125 of the Code.

It is contended by the learned counsel for the petitioner that by the impugned order, a sum of Rs.400/- per

month has been awarded as interim maintenance taking note of the fact that a sum of Rs.800/- per month as maintenance has been granted to her under Section 24 of the Hindu Marriage Act, 1955, which ought to have been considered at the time of final stage of the case and not at the time of granting interim maintenance.

I have carefully gone through the order impugned as also the order dated 19-5-2005 passed by this Court in S.B. Criminal Misc. Petition No. 301/2005. The impugned order of the trial Court is perfectly in conformity with the order of this Court dated 19-5-2005, warranting no interference under Section 482 of the Code.

The criminal miscellaneous petition is, therefore, dismissed. The trial Court is directed to decide the main application seeking maintenance under Section 125 of the Code utmost expeditiously.

(H.R. PANWAR), J.

mcs